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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,521	12/10/2003	Gilles Boccon-Gibod	4630-009	9088
23440 7590 03/11/2008 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601				
EXAMINER				
AUSTIN, SHELTON W				
ART UNIT		PAPER NUMBER		
2623				
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03/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/733,521

Applicant(s)

BOCCON-GIBOD ET AL.

Examiner

SHELTON AUSTIN

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 03/10/2005, 06/04/2007
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al. (US 2003/0093790).

Regarding claim 1, Logan et al. ("Logan") teaches a method for sharing television program-viewing experiences (paragraph 273—user can share a play list with other users), the method comprising:

creating a set of tags for the segments of a viewed program indicative of the opinion of a first user (paragraph 268—metadata may include a play list; paragraph 273-275—a user can create a virtual scrapbook playlist that has tagged program segments of a program or programs and may be able to record whether particular program segments were found interesting or that the user disliked the program); and

distributing said set of tags to a plurality of other users to allow said other users to replay said program in accordance with said tags (paragraphs 273 and 284—play list can be transmitted as a message to another user).

Regarding claim 2, Logan teaches wherein the tags are distributed via email (paragraph 284).

Regarding claim 3, Logan teaches wherein the tags are distributed through a centralized server (paragraphs 112, 229 and 276).

Regarding claim 4, Logan teaches wherein the tags are distributed through a peer-to-peer network (paragraphs 92, 229 and 284).

Regarding claim 5, Logan teaches wherein tags are applied to segments of particular interest to the first user (paragraph 273, lines 16-20).

Regarding claim 6, Logan teaches wherein tags are applied to segments of little interest to the first user (paragraph 274).

Regarding claim 7, Logan teaches wherein the step of distributing includes providing the set of tags at no charge (paragraphs 249-256—previews are offered free of charge in order to promote particular program segments).

Regarding claim 8, Logan teaches wherein the step of distributing includes selling the set of tags (paragraphs 249-256; paragraph 428—user can purchase program segments).

Regarding claim 9, Logan teaches wherein the step of distributing includes providing the set of tags as a component of a subscription service (paragraphs 249-256—subscription fee).

Regarding claim 10, Logan teaches the method of claim 1, further comprising the step of: viewing the program by at least one of the other users (paragraph 95 and 106) and using the tags to alter the program playback (paragraph 17; paragraphs 120-127; paragraphs 264, 268 and 269; paragraphs 273 and 274).

Regarding claim 11, Logan teaches wherein altering the program playback comprises skipping one or more segments of the program (paragraph 162—skip over unwanted segments).

Regarding claim 12, Logan teaches wherein altering the program playback comprises playing only one or more segments of the program (paragraphs 273 and 274—discard or delete different program segments, therefore "playing only one or more segments of the program"; the Examiner also notes that playing only one or more segments includes playing the entire program).

Regarding claim 13, Logan teaches wherein altering the program playback comprises playing only segments of the program that are indicated as desirable

(paragraphs 17 and 264—used to selectively play back or record particular segments desired by the user; paragraphs 273 and 274—discard or delete different program segments due to a dislike).

Regarding claim 14, Logan teaches wherein altering the program playback is performed automatically by a personal video recorder (paragraph 299—extended capability personal video recorder).

Regarding claim 15, Logan teaches wherein altering the program playback is performed selectively in accordance with commands from the other users (paragraph 258—metadata provided by other users may control the selective recording for playback).

Regarding claim 16, Logan teaches wherein the set of tags are received by a server (paragraph 258—metadata provided by the remote facility; Fig. 2—250-252 and corresponding paragraph 307).

Regarding claim 17, Logan teaches wherein the set of tags are received directly by the other users (paragraph 258—metadata provided by other users; paragraph 308).

Regarding claims 18, 27 and 28, Logan teaches method for indicating viewing preferences associated with a program to a community of PVR users (paragraphs 307 and 308), the method comprising:

creating a tag file for the program, the tag file including a plurality of tags associated with certain portions of the program, each tag indicating one of a desirable and an undesirable rating of a first user (paragraph 268—metadata may include a playlist; paragraph 273-275—a user can create a virtual scrapbook playlist that has tagged program segments of a program or programs and may be able to record whether particular program segments were found interesting or that the user disliked the program);

transmitting said tag file from at least one PVR (paragraph 299—extended capability personal video recorder; paragraphs 273 and 284—play list can be transmitted as a message to another user);

receiving the tag file by a second PVR (paragraphs 273 and 284—play list can be transmitted as a message to another user);

displaying on a TV (paragraphs 311 and 312—viewer interface) associated with the second PVR tags from the tag file to indicate program segment viewing preferences from the first PVR (paragraphs 312-315; paragraphs 361-364—index list of segment labels, which is a subset of a playlist, are displayed; paragraph 366—playlists can be sent to other viewer households for use in similar systems).

Regarding claim 19, Logan teaches wherein the second PVR receives the tag file from a network server (paragraph 258—metadata provided by the remote facility; Fig. 2—250-252 and corresponding paragraph 307).

Regarding claim 20, Logan teaches wherein the displayed tags are used to skip portions of a viewed program (paragraph 162—skip over unwanted segments).

Regarding claim 21, Logan teaches wherein the skipped portions are skipped automatically by the PVR (paragraph 162—skip over unwanted segments automatically after learning to spot clusters of segments that users frequently fast-forward).

Regarding claim 22, Logan teaches wherein the skipped portions are manually skipped by the user viewing the program (paragraph 162—users manually skip by fast-forwarding over unwanted segments).

Regarding claim 23, Logan teaches wherein the displayed tags are used to indicate portions of the program that are more desirable to view (paragraphs 17 and 264—used to selectively play back or record particular segments desired by the user; paragraphs 273 and 274—discard or delete different program segments due to a dislike).

Regarding claim 24, Logan teaches wherein the displayed tags are used to indicate portions of the program that are less desirable to view (paragraphs 273 and 274—discard or delete different program segments due to a dislike; paragraphs 398, 402 and 403—when an undesirable segment is about to come on a visual signal would appear to allow the user to skip the segment).

Regarding claim 25, Logan teaches wherein the displayed tags display the information in a binary format (Fig. 5—520; paragraphs 328 and 329).

Regarding claim 26, Logan teaches wherein the displayed tags display the information in an analog format (paragraph 330).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelton Austin whose telephone number is (571) 272-9385. The examiner can normally be reached on Monday through Thursday from 8:00-5:30. The examiner can also be reached on Fridays from 9:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant, whose telephone number is (571) 272-7294, can be reached on Monday through Friday from 7:30-5:00. The supervisor can also be reached on alternate Fridays from 9:00-4:00. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shelton Austin
02/26/2008

/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623